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## NOTES ON INTERNATIONAL AFFAIRS

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**The Peace Treaty with Germany.** The distinguishing feature of the great peace treaty now pending ratification is that it has been framed with the conscious effort, not merely to secure redress as far as possible for wrong done, but to carry into effect certain principles which, prior to the conclusion of the treaty, had been laid down as the basis of a new international system designed to prevent wars in the future. The treaty involves, therefore, something more than a mere settlement of the issues raised by the war, or rather it involves an attempt to settle those issues in such a way that the state of peace resulting from the treaty not only should be "a just peace," but should be "a lasting peace" as well. The terms of reparation and of security, the readjustment of boundary lines, the creation of new states, the colonial settlements, and the provisions for the economic and social betterment of the nations involved, must be considered in their double aspect both as abstract measures of justice, designed to remedy wrong as such, and as political expedients intended to create new international relations of a more stable character. How far the objects consciously sought by the treaty give promise of being attained by the provisions actually adopted is at the moment a sharply debated issue; and it is important in the discussion of that issue to distinguish carefully between the problem of present justice and the problem of future reorganization.

The dominance of the ideal of "a lasting peace" as distinguished from a peace dictated by the victors to a defeated enemy is due in large part to the fact that the magnitude of the war and the long months during which the opposing forces were at stalemate drew the attention of thinking men in all countries, belligerent and neutral alike, to the urgent necessity of effecting a settlement by other means than a military decision. In particular, the greatest of the nations still remaining neutral after two years of war was led to assume the rôle of mediator, and to attempt to obtain from the opposing nations a statement of the

principles upon which a peace by settlement might be brought about. On December 18, 1916, President Wilson addressed a note to all the belligerent nations calling upon them for a definite statement of the aims for which they were fighting. The reply of the Entente Allies contained a renewal of the general principle of "reparation and securities" earlier enunciated by Mr. Asquith, as well as more definite conditions of territorial rearrangements. On January 22, 1917, President Wilson laid down before the senate the conditions under which he considered it possible for the United States to coöperate with other nations in establishing an international authority to guarantee peace. These conditions were stated in part as abstract principles of democracy and the equality of rights of great and small nations alike, and in part as a program of freeing nationalities from alien rule and removing restrictions from international commerce.

A year later, on January 8, 1918, when the United States was itself a belligerent, President Wilson again undertook to lay down the conditions of a just peace, and the "fourteen points" then set forth became thereafter the definite program of America's conception of the proper terms upon which a settlement should be based. These "fourteen points," supplemented by principles enunciated in subsequent addresses, particularly that of September 27, 1918, were accepted by Germany on October 6 as the basis of an armistice and peace negotiations, and with two exceptions were likewise accepted by the allied governments. They thus acquired a sort of contractual character, and the allied and associated governments became obligated to that extent to construct the peace treaty upon them as a foundation. How far it has been possible to adhere to them, and the causes which have made it necessary to substitute other arrangements not in accordance with them, will appear in the discussion of the specific clauses of the treaty.

The most significant feature of the treaty, apart from the substance of its provisions, is the fact that the terms of the settlement are intimately bound up with the creation of the League of Nations. Part I of the treaty contains the covenant of the league, and being thus established the league is not only made the general guarantor of the treaties as a whole, but through a variety of commissions is made the active administrator of a number of specific provisions in the treaties. Sharp criticism has been directed against this combination of what are regarded by many as two distinct objects. A resolution signed by thirty-seven senators on March 3 during the progress of the drafting

of the treaty with Germany called upon President Wilson to postpone the formation of the League of Nations until the conclusion of the peace treaty; and a resolution has been proposed in the senate providing that the covenant of the league be separated from the rest of the treaty. This desire for the separate consideration of the two problems comes not only from those who are opposed to the league in any form, at least in any practicable form, but from those who feel that the league as at present constituted cannot accomplish the objects for which it is intended.

On behalf of the decision to make the league and the conditions of peace mutually interdependent, it is urged that certain questions bearing upon international reconstruction could only be settled rightly under the guardianship of the league. Moreover, unless it was assumed that the old order of international rivalry and individual self-protection had passed away, it would be necessary to make concessions of strategic territory which would violate the principles of self-determination upon which the governments had pledged themselves to reconstruct the map of Europe. At the same time certain provisions of an executory character which might require years for their fulfillment, and certain other constructive provisions which were to be continuous in their operation, required the creation of permanent commissions to see to their fulfillment. It was thought that the supervision of the work of these commissions by the league would do much to make it easier for the parties to the treaty to acquiesce in decisions which they might otherwise feel would work to their disadvantage. Moreover, it was felt that rivalries would inevitably be created by the assignment of the colonies of Germany to mandatory states unless provision were made that the mandatory state should exercise its duties of guardianship subject to the control of the league.

As against these considerations it is urged first that the mutual interdependence of the league and the peace provisions makes it practically impossible for the senate to exercise its constitutional function of advising and consenting to the making of treaties. Even with regard to the peace provisions it is clearly impossible for the senate to offer any serious amendments when such amendments would have to be concurred in by so large a body of contracting powers. The situation becomes acute when it is a question of enforcing upon the senate the ratification of an agreement so important and so full of political complexities as is the covenant of the League of Nations. While it is true that the negotiation of treaties has been by custom a

matter for executive action alone, at the same time it has always been possible for the senate in the case of treaties with a single nation to offer amendments without serious delay; and in the case of general conventions, such as those entered into at the Hague in 1907, it has been possible to make reservations on objectionable points. In the second place, when the details of the peace provisions became known to the public, many who believed in the ideal of a League of Nations, and who were ready to accept as a temporary compromise the original draft of February 14 and the amendments subsequently introduced, felt that certain items among the peace provisions, which appeared inconsistent with the principles to which the league stood committed, prejudiced the league from the start and rendered impossible the attainment of its purposes; for the peace provisions, following upon the creation of the league in Part I of the treaty, constituted as it were an example of what might be expected from the league, and, what was far more serious, represented the *status quo* which it appeared that the league, by Article X of its covenant, was pledged to maintain. It was one thing for the United States to depart from its traditional policy of avoiding entangling alliances with European powers where the interests of justice and world peace were clearly involved, and quite another thing for the United States to pledge its economic policies and possibly its military forces to maintain a settlement which gave promise of being as unstable as the great peace treaties of the past.

*Reparation Provisions.* For the purpose of critical analysis of the treaty with Germany we may depart from the order followed by the several sections of the treaty, and divide its provisions into those which bear upon the problems of reparation and securities, and those which are of a constructive character and are designed to lay the basis of a new international order.

Beginning with the provisions for reparation, Germany was required by the first draft of the treaty to pay within two years twenty billion marks in either gold, ships, or other specific forms of payment, and to repay to Belgium all sums borrowed by the latter from the Allies in consequence of the violation by Germany of the neutrality treaty of 1839. In addition, an interallied reparation commission was created to determine the total amount which Germany should pay and to fix a schedule of payments running through a period of thirty years. The counter-proposals of the German delegates submitted on May 29

offered to pay a maximum sum of one hundred billion marks, twenty billion to be paid by May 1, 1926, and the balance in annual installments without interest. This offer was not accepted, but it was agreed that the reparation commission should finish its work of determining the total amount within four months instead of the original limit of two years. The commission is also authorized to fix a definite sum to be paid instead of the indefinite compensation demanded in the original draft. The reparation commission will act as a sort of board of receivers for the German nation, and will see that priority is given to the claims of the creditors over the discharge of domestic loans.

The question has been sharply discussed whether the bill of damages constitutes the levy of an indemnity as distinct from reparation for losses suffered. "No annexations and no punitive indemnities" was a principle frequently proclaimed as essential to a stable peace. As the "fourteen points" contained no other reference to reparation than that the occupied territory of Belgium and France should be "restored," the allied governments submitted a memorandum during the armistice negotiations to the effect that by the above provision they understood that compensation would be made by Germany "for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air." The treaty sums up these damages under seven main categories, the fourth of which, covering damages represented by pensions and separation allowances capitalized at the signature of the treaty, has been criticized as an attempt to make the "damages" cover part of the "cost of the war." But even admitting the latter item as properly included under "reparation," the bill is such a heavy one that the German government, in the covering note attached to its counter-proposals, regarded it, considering the greatly diminished resources of the country, as reducing Germany to virtual wage-slavery.

It is an old and well-recognized rule of international law which makes a people responsible for the acts of their government, even when that government is as little subject to the control of the people as was the executive branch of the German government in 1914. But though legal the rule is not under all circumstances a moral one, and distinctions in respect to guilt between the German people and their rulers were frequently made during the course of the war. In his address to Congress on April 2, 1917, asking that war be declared, President Wilson asserted that "we have no quarrel with the German people. We have no feeling towards them but one of sympathy and friendship.

It was not upon their impulse that their government acted in entering this war." The distinction breaks down in the presence of the enormous bill for reparations. At the same time Premier Clemenceau, in his covering letter attached to the reply of the allied and associated powers to the German counter-proposals, repudiated the suggestion that the German revolution should lessen the responsibility of the people for what their rulers had done. "The German revolution," he said, "was stayed until the German armies had been defeated in the field and all hope of profiting by a war of conquest had vanished. Throughout the war, as before the war, the German people and their representatives supported the war, voted the credits, subscribed to the war loans, obeyed every order, however savage, of their Government. They shared the responsibility for the policy of their Government, for at any moment, had they willed it, they could have reversed it." The logic is conclusive if we refuse to take into account the fact that, not only did the war shut off avenues of information with regard to the real causes of the conflict, but as a crisis in the nation's history it obtained an emotional and unreasoning support from many thousands who would never have voted to begin it. It may also be said that even so docile a people as the Germans might have resisted more effectively the domination of their military caste had not the whole international system of the decades before 1914 been based upon the rivalry of opposing imperialistic policies, so as to deceive even right-minded persons into accepting as a war of self-defense what was in reality a war of aggression.

In addition to reparation in the form of payments of money, Germany is required by the treaty to replace, ton for ton and class for class, all merchant ships and fishing boats lost or damaged owing to the war, partly by the immediate cession of much of her own merchant and fishing fleet, and partly by the construction of new vessels during a period of five years. Further provisions for reparation consist in an elaborate array of restrictions imposed upon German trade. German customs duties are regulated to prevent discrimination against the trade of the allied and associated powers, shipping privileges in German ports are secured to them, and unfair German trade practices are prohibited. A large number of international conventions to which Germany was a party are to be renewed, and special treaties with individual members of the allied and associated nations may be renewed upon giving notice. German property in the territories of the Allies may be liquidated as compensation for property of their citizens not

restored or paid for by Germany; and provisions are laid down for the cancelation or renewal of contracts between citizens of the allied and associated nations and German citizens.

In the counter-proposals to the original draft of the treaty, Germany protested against the surrender of her merchant fleet, and offered as an alternative "to put her entire merchant tonnage into a pool of the world's shipping, to place at the disposal of her enemies a part of her freight space as part payment on reparation, and to build for them for a series of years in German yards an amount of tonnage exceeding their demands." Germany likewise proposed a general revival of all multi-lateral and bilateral treaties as well as the reciprocal establishment of consular relations. But neither suggestion was agreed to. It was, however, promised by the allied and associated powers in their reply to the counter-proposals that they would not withhold the commercial facilities necessary to the resumption of German industries, but would to the extent of their abilities afford facilities for food supplies, raw materials, and overseas transport.

The original draft of the treaty called for the surrender by Germany of the coal mines of the Saar Basin as compensation for the destruction of coal mines in northern France. In order that this might not involve a cession of territory contrary to the principle of self-determination, the treaty provided that the territory should be governed by a commission appointed by the League of Nations, which was to administer the country under the conditions prescribed by the treaty. After fifteen years a plebiscite was to be held by communes to ascertain the desire of the population whether it should continue under the existing control of the league or be united to France or to Germany. This provision at once provoked the sharpest criticism in the liberal press as being a disguised violation of the principle of self-determination, and as unwisely offering a strong temptation to the rival powers to carry on propaganda which would be a menace to the cause of peace.

In the German counter-proposals, it was complained that "the purely German district of the Saar must be detached from our empire, and the way must be paved for its subsequent annexation to France, although we owe her debts in coal only, not in men." As an alternative Germany proposed to deliver annually for the first five years twenty million tons of coal, and for the succeeding five years eight million. The reply of the allied and associated powers, in rejecting the proposed alternative, affirmed that they sought "to impose for the destruction of the mines in northern France a form of reparation which by its exceptional

nature will for a limited period be a definite and visible symbol," and at the same time to make doubly sure that France would have the necessary supplies for the restoration of her industries. The final draft makes no substantial changes in the original.

As an item of reparation in the form of bringing particular offenders to justice, the treaty makes provision for the trial of the former Kaiser and of persons accused of committing acts in violation of the laws of war. In the case of the Kaiser the indictment is "for a supreme offense against international morality and the sanctity of treaties." The earlier plan of a criminal indictment was abandoned owing to the obvious difficulty of making out a legal case. Neither was the making of war a crime at international law as it stood in 1914, nor were the more general policies pursued by the German government, however shocking to the moral sense, in contravention of such clearly defined rules as must constitute one of the elements of a crime. On the other hand, in the case both of private soldiers and of officers, there exist documents to prove violations of the definite and time-honored laws of war, such as forbid, for example, the maltreatment of noncombatants. Here the treaty requires that the offenders be delivered up to be tried by military tribunals under military law. The German counter-proposals asked that the inquiry into the responsibility for the war and culpable acts in its conduct be conducted by an impartial neutral commission having the right to investigate on its own responsibility the archives of all the belligerent countries and all the persons who took an important part in the war. In reply the allied and associated powers rehearsed the part played by Germany in bringing on the war, and asserted that they could not intrust the trial of the persons responsible to those who had been their accomplices; but that since almost the whole world had banded together to check Germany the tribunals established would present the deliberate judgment of the greater part of the civilized world.

*Security Provisions.* The provisions adopted in the form of securities against future misconduct on the part of Germany include the demobilization of the German army and its limitation to a permanent strength not exceeding 4000 officers and 100,000 men (an additional temporary force of 100,000 being permitted by an amendment to the original draft); the closing of all factories for the manufacture of arms and munitions of war except those specifically mentioned; the abolition of conscription and the adoption of a period of enlistment suffi-

ciently long to prevent the training of any large number of troops by successive replacements; the dismantling of all fortresses situated within a neutral zone fifty kilometers east of the Rhine, as well as those along the Baltic, within a period of six months, and those in occupied territory when ordered by the allied high command; the demobilization of the navy and its limitation to a small force of thirty-six ships of various sizes; and the surrender of all other war vessels, and of all airships except a small number to be used in searching for submarine mines. The occupation of the territory west of the Rhine is to be continued for a period of fifteen years; but this occupation is more in the nature of a general guaranty for the execution of the treaty than a means of protection against future attack; and provision is made for the retirement of the armies of occupation from certain areas after periods of five and ten years if the conditions of the treaty are faithfully carried out. The civil administration of the occupied territory is to remain in the hands of the German authorities under German law, but its activities shall be subject to the control of an interallied Rhineland high commission, consisting of representatives of Belgium, France, Great Britain, and the United States, who may, whenever they think it necessary, declare a state of siege in any part or all of the territory concerned.

*Constructive Provisions.* As observed above, it is important to distinguish between those provisions of the treaty which bear upon the problem of reparation for wrong done and security against the recurrence of aggression, and those of a constructive character which seek to correct conditions which have long been an obstacle to the peace of Europe. While the peace conferences of the past have been chiefly preoccupied with the problem of imposing terms upon the defeated enemy and obtaining such a division of the spoils as would disturb as little as possible the existing balance of power, the present conference has consciously sought not only to check designs of national aggrandizement, but to subordinate even the just demands for reparation and securities to a new international system based upon the self-determination of nationalities and the principle of a coöperative community as against competing alliances and individual rival states.

In the first place numerous readjustments of territorial boundaries have been made to satisfy the aspirations of national groups. Foremost among these readjustments is the cession of Alsace-Lorraine to France "to redress the wrong done by Germany in 1871 both to the rights of France and to the wishes of the population of Alsace and Lor-

raïne." The treaty assumes that it is the desire of the two provinces to be reunited to France, and in consequence no provision is made for a popular vote of the inhabitants. The German counter-proposals conceded the loss of sovereignty but asked for a plebiscite. The reply of the conference stressed the point of reparation for the act of spoliation in 1871, and asserted that the present as well as the past will of the inhabitants had been amply attested on many occasions. It is to be noted that, contrary to the case in other transfers of territory, no portion of the public debt of Germany attaches to the two provinces and no payment is to be made by France for public property of the ceding state.

The small neutral state of Moresnet lying on the borders of Prussia and Belgium is ceded by Germany to Belgium. This district, which is of importance because of the zinc mines under its mountain, was placed in 1817 under the joint government of Prussia and Holland (to whose rights Belgium succeeded); but in recent years the joint condominium has given rise to frequent disputes. The wishes of the inhabitants may be inferred from a request made in 1897, when the situation of Moresnet was being discussed in the Reichstag, that they be allowed to remain in their neutral condition or else be incorporated into Belgium. With Moresnet goes the diminutive district of Prussian Moresnet just over the border, the communal woods of which are awarded to Belgium in partial compensation for the destruction of Belgian forests. The diminutive districts of Eupen and Malmedy are likewise ceded to Belgium, subject to a right on the part of their inhabitants to protest against the change of sovereignty, the final decision resting with the League of Nations. The German counter-proposals assert that there are not sufficient guarantees that the plebiscite, taken after the transfer, will be independent. The reply of the conference recites the separation of the districts from Belgium in 1814 without consideration of the people, as well as the fact that the districts have been made a basis for German militarism by the construction of the great camp at Elsenborn and of various strategic railways directed against Belgium.

A new boundary line between Germany and Denmark is to be fixed on the principle of self-determination. The original draft of the treaty drew a line from the mouth of the Schlei river to the mouth of the Eider, marking off the duchy of Schleswig, which (together with the purely German duchy of Holstein) was taken from Denmark by Prussia in 1866. Within this territory an international commission was to super-

vise a plebiscite arranged in three zones. The object of the zone system of voting was to make it possible to secure a new frontier which would actually accord with the wishes of the population, not one which might include within either Germany or Denmark a large minority opposed to the decision of the majority. The Danish press promptly objected to the proposed plebiscites on the ground that there was reason to fear that many Germans might vote to be incorporated into Denmark to escape the burden of taxation to which their country would be subjected, and that they would be undesirable citizens of Denmark. The German counter-proposals conceded the transfer of the "preponderantly Danish districts" on the basis of a plebiscite. The reply of the conference, after referring to the promise of Prussia to hold a plebiscite in northern Schleswig after its seizure in 1864, agreed, as a substitute for the original provisions, that the two northerly zones be evacuated by the Germans and that the residents of each of these zones should be free to choose the sovereignty under which they preferred to continue, leaving the southern part of Schleswig with Germany.

The cession by Germany to Japan of the rights of Germany in the Shantung peninsula is at variance with the principle of self-determination and must be accounted for on political grounds. Not only does Kiao-Chau go to Japan, but all German rights in the railroad from Tsing-tao to Tsinan-fu, including all facilities and mining rights and rights of exploitation, pass equally to Japan. It appears that, early in 1917, secret treaties were entered into between Great Britain, France, Italy, and Russia on the one hand and Japan on the other, by which it was agreed that Japan should be supported in her claims to the province of Shantung and be given all of the German islands north of the equator. These treaties were described as the price paid to Japan for allowing China to enter the war. The Japanese government has publicly promised to return the territory to China later; but as the promise is not upon a contractual basis, and the transfer may be attended by conditions unacceptable to China, the government of China was not satisfied and instructed its delegates not to sign the peace treaty with the above provisions included. Apart from the arrangements regarding Shantung, the treaty provides that Germany shall renounce in favor of China all benefits and privileges acquired by Germany by the final Boxer protocol, as well as the indemnities accruing subsequently to the entrance of China into the war. In addition, the German concessions at Tientsin and Hankow, together with the

public property situated therein, are ceded directly to China; and China on her part declares her intention of opening the said areas to international residence and trade. As an item of reparation to China for a past offense, Germany is required to return to China the astronomical instruments carried away by her troops in 1900-01.

Probably the most important constructive work of the treaty is the creation of two new states on the basis of the principle of self-determination. Germany recognizes the complete independence of the Czechoslovak state, including the autonomous territory of the Ruthenians south of the Carpathian mountains. The frontiers of the new state on the northwest, where they are contiguous to Germany, follow the frontier of Bohemia in 1914. On this latter point there is question whether a boundary line could not have been drawn so as to exclude the German portions of Bohemia. It is estimated that Bohemia contains a German minority as large as thirty-three per cent, and a minority which contains a large proportion of the more prosperous business elements of the state. The counter-proposals demanded the right of self-determination for this body of Germans. By the treaty with Austria the frontier of the new state on the southeast follows the former administrative boundaries separating Bohemia and Moravia from Upper and Lower Austria, subject to minor rectifications in the regions of Gmünd and Feldsberg and along the river Morava (March). Austria likewise recognizes the independence of the Czechoslovak state; and Czechoslovakia on its part agrees to embody in a treaty with the principal allied and associated powers such provisions as may be deemed necessary to protect racial, linguistic or religious minorities and to assure freedom of transit and equitable treatment for the commerce of other nations.

The creation of an independent Polish state was a more difficult problem, owing to the fact that the Poland of the eighteenth century had been partitioned among three of the great powers, and that the Poland of 1774 was not a coherent national unit but contained within itself numerous subject nationalities. On the part of Germany the original draft of the treaty provided for the cession of a part of Upper Silesia, most of Posen, and the province of West Prussia on the left bank of the Vistula; and since these districts would include many who were not Poles, special provision was made for the protection of racial, linguistic, or religious minorities. Owing to the irregularity of the racial boundary line between Poland and East Prussia, it was provided that two distinct plebiscites should be taken in that section. The northeastern corner of East Prussia around Memel was to be ceded by

Germany to the associated powers, subject to their subsequent disposition of the territory. The port of Danzig and the district immediately about it was to be constituted into a "free city" under the guaranty of the League of Nations, and was to be governed by a high commissioner appointed by the league and by the president of Danzig, in agreement with the duly appointed representatives of the city. Provision was made that the city should be included within the Polish customs frontiers, without, however, interfering with the free area in the port; and Poland was to be insured the free use of the city's waterways, docks, and other port facilities, together with the control and administration of the Vistula river.

In the German counter-proposals a protest was made against the cession of West Prussia, "which is preponderantly German," and of Pomerania and Pomerania-Danzig, "which is German to the core," and against the amputation of East Prussia from the body of the state and the loss of Memel, "which is purely German," and against the loss of Upper Silesia "although it has been in close political connection with Germany for more than 750 years, is instinct with German life, and forms the very foundation of industrial life throughout East Germany." The reply of the conference stated that in respect to West Prussia and Posen the treaty did not restore the original boundaries of Poland, which the "strict law of historic retribution" might have justified, but left to Germany those districts in which there was an undisputed German predominance contiguous to Germany. Modifications were, however, made in detail, and the historical frontier between Pomerania and West Prussia was restored. With regard to Danzig the reply explained that as the population was predominantly German it had not been incorporated into Poland, but that it was essential that there should be a close connection between the city and Poland, so that the sole seaport available to Poland might be kept free from all foreign domination. The reply admitted that the city of Memel itself was in large part German, but stated that the district as a whole had always been Lithuanian. A concession was made with regard to Upper Silesia by the provision that the territory should be immediately ceded to Poland, but that a plebiscite should be held to determine the wishes of the population. Upper Silesia was not formerly part of the kingdom of Poland, but, the reply stated, its population was Polish in origin and speech; whether Polish in sentiment the plebiscite is to determine.

In the treaty with Austria provision is made for the creation of a new Serb-Croat-Slovene state, the independence of which Austria recog-

nizes. As in the case of Czechoslovakia, the new state agrees on its part to enter into a treaty for the protection of minorities and for freedom of transport.

The disposition of the German colonies is provided for in two separate parts of the treaty. As a first step Germany renounces in favor of the allied and associated powers her overseas possessions with all rights of sovereignty and titles to movable and immovable property therein. The constitution of the League of Nations then comes into operation with its provisions for the administration of the colonies by a mandatory state. The colonies in Central Africa are to be administered by the mandatory under a separate form of government under conditions approved by the league, by which equal opportunities for trade will be allowed to all members of the league and certain abuses, such as the trade in slaves, arms and liquor, will be prohibited. The colonies in Southwest Africa and in the South Pacific Islands are to be administered under the laws of the mandatory state as integral portions of its territory; but in both cases the mandatory state is to render an annual report to the league in reference to the territory committed to its charge. The German counter-proposals insisted that the colonies be restored to Germany, who would administer them as mandatory in accordance with the provisions of the league. The reply of the conference stated that no concessions could be made in regard to the former German colonies, on the ground that the German leaders themselves had admitted the abuses attending German colonial administration, and the allied and associated governments could not "again abandon 13,000,000 or 14,000,000 persons to a fate from which the war has delivered them." At the same time the reply points out that the loss of the colonies will not hinder Germany's normal economic development, since Germany's exports to and imports from her colonies constituted an insignificant part of her foreign trade.

A number of constructive provisions in regard to international transportation are included in the treaty, but it was thought necessary to limit their application to the grant of easements in favor of the allied and associated governments on German railways and waterways and in German ports, instead of extending them to the mutual intercourse of all members of the league. Ships of the allied and associated powers shall enjoy for a period of five years the same rights in German ports as German vessels, and the privilege may be enjoyed after that period on condition of reciprocity. Freedom of transit must be granted by Germany through her territories by rail or water to the persons, goods,

ships, carriages and mails from or to any of the allied or associated powers. Czechoslovakia is to have access to the sea by means of special transportation rights north and south. To the north, Germany is to lease to Czechoslovakia spaces in the ports of Hamburg and Stettin, while to the south the new state is to have the right to run its own through trains to Fiume and Trieste. Belgium is to be permitted to build a deep-draft canal from the Rhine to the Meuse within twenty-five years if she so desires. At the same time the German railway system is to be reorganized so as to secure through communication across its territory. Aircraft of the allied and associated powers are to have full liberty of passage over and landing on German territory, and equal treatment with the most favored nation planes as to internal commercial traffic in Germany.

Further constructive measures consist in the internationalization of the Kiel Canal and of the navigable German rivers. The Kiel Canal, previously open on the sufferance of Germany, is to remain open and free to the ships of war and of commerce of all nations on terms of absolute equality, and thus comes within the conditions already laid down for the use of the Suez and Panama canals. The Rhine and the Moselle had already been internationalized by the Congress of Vienna in 1815, and provision is merely made for a change in the central commission regulating the navigation of the two rivers. The European Danube commission, created in 1856, is continued, and a new commission is created for the Upper Danube. The Elbe, the Oder, the Ulava, and the Niemen are declared international, and are placed under special commissions composed of representatives of the riparian and other states. Czechoslovakia is thus insured a waterway to the North Sea and to the Baltic, and Poland an outlet on the northeast as well as along the Vistula; while Czechoslovakia, Serbia and Rumania are given special protection in the navigation of the Danube.

As against these arrangements of the original as well as the final draft of the treaty, Germany argued in her counter-proposals that they constituted an infringement of her sovereignty so long as they were not reciprocal, and that the third of the "fourteen points" had called for the establishment of an equality of trade conditions among all the nations consenting to the peace. The reply of the conference states that the principles announced by President Wilson would be brought into effect when the world returned to normal conditions, but that in the meantime a transitory régime was essential to save certain allied states from a position of economic inferiority because of the ravaging of their territories and the contrasting conditions of German industry.

The treaty makes provision for an ultimate grant of reciprocity after five years, unless the League of Nations decides to prolong the period. It is clear that the whole subject of economic rights of way, involving the use of railways and waterways, freight rates, freight facilities, through traffic, the use of ports and port dues, must of necessity be regulated by the league if one of the chief sources of international rivalry and bitterness is to be removed.

The last of the important constructive provisions of the treaty deals with the problem of an international labor organization. The problem is in reality not an international one, in the sense of dealing with the relations between nations, but a universal national problem the solution of which will in the mind of the conference be furthered by a permanent international organization in the form of an annual labor conference and an international labor office. Nine principles of labor conditions are set forth in the treaty, and they represent in general the standards of labor conditions advocated in recent years by the American Federation of Labor. The section of the treaty dealing with labor brought forth from Germany the demand that a labor conference should meet immediately at Versailles, on the ground that the final decision in questions of labor and labor protection belonged to the workers themselves. Moreover, the German note argued, the annual conference provided for in the treaty disregarded the demands made by the international trade-union conference at Berne, held in February, 1919, in that the representation accorded to the workers gave them but one-quarter of the total votes of the conference instead of the one-half provided for at Berne, and also in that the conference at Berne provided for the adoption of international laws which *ipso facto* would have the effect of national laws in the several states, whereas the treaty only provided for the adoption of "recommendations" by the labor conference which the governments might or might not decide to convert into laws. Premier Clemenceau replied that the allied and associated powers believed that labor legislation should be adopted by representatives of the whole community, and that the views and interests of governments were not necessarily antagonistic to those of labor. Moreover, while the conference did not consider that international labor laws could at present be made operative merely by resolutions passed at conferences, it had adopted a resolution that the labor organization should be given the power, as soon as possible, to pass resolutions possessing the force of international law. Also, the Washington conference, meeting in October, 1919, would be asked to admit German representatives immediately thereafter to full membership.